



California Regional Water Quality Control Board Lahontan Region



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Protection

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Gray Davis
Governor

MINUTES MARCH 13-14, 2002

Regular Meeting

Lahontan Regional Water Quality Control Board,
Tahoe City Public Utilities District, Board Room
221 Fairway Drive
Tahoe City

Chair Jack Clarke called the workshop to order at 1:38 p.m. on March 13, 2002. The following Board members were present: Chair Jack Clarke, Vice Chair Dr. Nebeker, Eric Sandel, Dr. Cooley, and John Brissenden. Board members Claudette Roberts and William Betterley arrived at 1:46 p.m.

BOARD MEMBERS PRESENT

William Betterley, Hesperia
John Brissenden, Hope Valley
Jack Clarke, Apple Valley
Beatrice Cooley, Ph.D., Bishop
Neil Eskind, Tahoe City
Eugene B. Nebeker, Ph.D., Lancaster
Claudette Roberts, Palmdale
Eric Sandel, P.E., Truckee

BOARD MEMBERS ABSENT

None

LEGAL COUNSEL

Steven H. Blum, State Water Resources Control Board

STAFF PRESENT

Harold J. Singer, Executive Officer
Robert S. Dodds, Assistant Executive Officer
Hisam Baqai, Supervising WRCE, South Lahontan Watersheds Division
Lauri Kemper, Supervising WRCE, North Lahontan Watersheds Division
Chuck Curtis, Supervising WRCE, Planning and Toxics Division
Judith Unsicker, Staff Environmental Scientist, Planning and Toxics Division
Alan Miller, Senior WRCE, Carson/Walker Watershed
Scott Ferguson, Senior WRCE, Northern Watersheds

Jill Wilson, Environmental Scientist, Northern Watersheds
Eric Taxer, WRCE, Northern Watersheds
Catherine Olsen, Associate Engineering Geologist, TMDL Unit
Robin Mahoney, WRCE, Carson/Walker Watershed
Erika Lovejoy, Environmental Scientist, Lake Tahoe Watershed
Jeremy Sokulsky, WRCE, TMDL Unit
Robert Erlich, Environmental Scientist, Lake Tahoe Watershed
Mary Fiore-Wagner, Environmental Scientist, Lake Tahoe Watershed
Robert Larsen, Environmental Scientist, Lake Tahoe Watershed
Dave Roberts, Environmental Scientist, TMDL Unit
Marietta Christoffersen, Office Technician, South Lake Tahoe office
Susan-Marie Hagen, Executive Assistant

ADDRESSING THE BOARD

Tom Howard, Deputy Director, State Water Resources Control Board
Ray Lacey, California Tahoe Conservancy
Bob Kingman, California Tahoe Conservancy
Cindy Gustafson, Tahoe City Public Utilities District
Bob Lourey, Tahoe City Public Utilities District
Jim Phelan, Tahoe City Marina
Carl Hasty, Tahoe Regional Planning Agency
Shane Romsos, Tahoe Regional Planning Agency
John Upton, South Lake Tahoe Recreation Facilities, Joint Powers Authorities
Jennifer Merchant, Truckee-North Tahoe Transportation Management Association
Jon-Paul Harries, Program Director, League to Save Lake Tahoe
Ed Miller, Meeks Bay Fire Protection District
Bryce Keller, North Tahoe Fire Protection District
Elizabeth Hale, Tahoe Resource Conservation District
Bill Bostic, Watershed Coordinator, Surprise Valley Resource Conservation District
John Rodrigues, Chief of Construction, Northern California Region, Caltrans
Jason Malcolm, Malcolm Drilling Company
Jeffory Scharff, Attorney representing Tom Erickson, Tahoe Tom's Gas Station

Workshop/Tour

1:38 p.m., March 13, 2002

Harold Singer, Executive Officer, announced that the tour portion of the workshop on proposed bicycle path sites in Tahoe City had been canceled due to storm conditions. He introduced the informational workshop to discuss water quality impacts and the necessary findings for exemptions to prohibitions on SEZ disturbance for proposed bike paths, including the Tahoe City Community Trail Inter-Tie Project.



Erika Lovejoy, Lahontan Regional Board staff, opened the presentation and introduced the other speakers. She made the staff presentation on potential impacts to Stream Environment Zones (SEZ) and Basin Plan Prohibitions.

Board members asked questions. Staff members Lauri Kemper and Erika Lovejoy responded.

Mr. Ray Lacey, Program Coordinator, California Tahoe Conservancy (CTC), introduced the agency's mission and overview of past and proposed bike trail projects. Mr. Lacey gave a presentation on the proposed bike paths for Tahoe City. He concluded with responses to questions from Board members.

Mr. Bob Lourey and Ms. Cindy Gustafson, Tahoe City Public Utilities District (TCPUD), described the proposed Tahoe City Community Trail Inter-Tie Project and answered Board member questions.

The following speakers addressed the Board individually, made comments and asked the Board to support the Tahoe City Community Trail Inter-Tie Project:

- Mr. Jim Phelan, General Manager, Tahoe City Marina
- Ms. Jennifer Merchant, Executive Officer, Truckee-North Tahoe Transportation Management Association
- Mr. John Upton, South Lake Tahoe Recreation Facilities, Joint Powers Authority
- Mr. Carl Hasty, Deputy Director, Tahoe Regional Planning Agency
- Mr. Jon-Paul Harries, Program Director, League to Save Lake Tahoe
- Mr. Ed Miller, President, Meeks Bay Fire Protection District
- Mr. Bryce Keller, North Tahoe Fire Protection District

Ms. Elizabeth Hale, Tahoe Resource Conservation District, urged the Board to use caution in reviewing this and other related projects, and expressed concern that developing an extensive bike trail system within the Tahoe Basin could bring excessive numbers of recreational bike trail users to Tahoe, creating over-crowding of the trail system and already congested highways in the Tahoe Basin.

Chair Jack Clarke ended the public comment period after a final call for comments on Tahoe bike trails in general.

Mr. Singer reviewed Lahontan Regional Board's past involvement with bike trails in the Tahoe Basin. He asked the Board for direction in determining the Board's future intent in this area.

Board members expressed concern for protecting water quality at Lake Tahoe. Board members were concerned about substantiating the following: that hazards for public health and safety can not be ameliorated by any other means; that projects need to be considered not individually, but in terms of cumulative long term effects on water quality for the entire Lake Tahoe basin; that monitoring of restoration efforts are conducted for short and long term

effectiveness: that projects prove “no reasonable alternatives” exist; that any new bike trails or extensions of bike trails or links of bike trails will be fully mitigated to the present standard against run off into Lake Tahoe.

In summary, Board members indicated that staff was proceeding in the right direction and can continue to use the right findings for mitigation to address water quality and environmental protection concerns.

Mr. Blum pointed out that one possible option for continued vigilance on projects when permits are rescinded or expire would be for the Board to require annual technical monitoring reports. This could be directed by way of a 13267 letter.

Regular Meeting, continued
4:00 p.m. March 13, 2002

1. Executive Officer’s Report (Harold Singer)

Mr. Singer highlighted several items from the written report

- Update on Meyers Beacon Gas Station
- Update on aquatic herbicide use and Eurasian watermilfoil in Lake Tahoe
- Notice of Preparation for a Functional Equivalent Document to support Draft Basin Plan amendments sent out to trustee agencies and interested parties
- Update on Town of Mammoth Lakes Erosion Control, Memorandum of Understanding

Other information:

- The State Water Board has informally authorized the regional boards to redirect up to .5% of their budgets to projects within their regions that will have the greatest positive impact based upon certain criteria. Mr. Singer stated that he would keep the Board informed on this effort.

The workshop adjourned at 4:43 p.m.

Regular Meeting, continued
7:07 p.m., March 13, 2002

Chair Jack Clarke convened the evening Board meeting session at 7:07 p.m. He introduced the Lahontan Board Members. All Board members were present.

2. PUBLIC FORUM

Chair Jack Clarke opened the Public Forum portion of the meeting.

Mr. Jeffery Scharff, attorney representing Tom Erickson, Tahoe Tom’s Gas Station, updated the Board on the status of the cleanup efforts at the site to date and future strategies.

Mr. William Bostic, watershed coordinator, Surprise Valley Resource Conservation District, briefed the Board on the history of the agency's work in the Surprise Valley area and the success of collaborative efforts with private landowners, public agencies and local organizations on resource conservation projects, including the formation of a watershed group, and a wildlife habitat improvement project through juniper management by selective thinning.

3. **ADOPTION OF UNCONTESTED CALENDAR**

Chair Jack Clarke stated that item No. 10 would be voted on separately and asked for a motion to adopt the remaining items on the Uncontested Calendar.

Motion: Moved by Mr. Sandel, seconded by Mr. Betterley, **and unanimously carried** to adopt as proposed Items No.5, 6, 7, 8, 9, 11, 15 from the Uncontested Calendar.

The following Board Members indicated an intent to abstain from voting on Item No. 10 as it related to specific applicants for State Revolving Fund loans: Dr. Nebeker will abstain from voting related to the Los Angeles County Sanitation District, as he disposes of secondary effluent produced at one of its facilities; Mr Sandel will abstain from voting related to Squaw Valley Public Service District as it is a client; Mr. Neil Eskind will abstain from voting related to Tahoe Truckee Sanitation Agency as it is a client.

Motion: Moved by Mr. Betterley, seconded by Dr. Cooley, to adopt as proposed Item No.10. **Motion carried** with Dr. Nebeker, Mr. Sandel and Mr. Eskind abstaining as noted above.

4. **MINUTES**

The Minutes of the Regular Board Meeting of February 13-14, 2002, in Victorville were approved.

Motion: Moved by Mr. Sandel, seconded by Mr. Eskind, **and unanimously carried** to adopt the February 13-14, 2002, Minutes as proposed..

STATUS REPORTS

12. **Overview of the Total Maximum Daily Load (TMDLs) Program and the Statewide Total Maximum Daily Load (TMDL) Initiative.**

Jeremy Sokulsky, Lahontan Regional Board staff, introduced this item and gave a brief overview of the TMDL program and how TMDLs are used as tools for water quality restoration and planning. He acknowledged staff member Dave Roberts for his assistance in the preparation of the presentation. Mr. Sokulsky introduced Mr. Tom Howard for the next part of the presentation.

Mr. Tom Howard, a Deputy Director at the State Water Resources Control Board and executive advocate for the TMDL program, explained the statewide prioritization process that resulted in the TMDL program being designated the highest priority program for Fiscal Year 2001-02. Mr. Howard answered questions from Board members.

13. Lake Tahoe Nutrient and Sediment TMDL Status Report and Coordination with the Tahoe Regional Planning Agency (TRPA) Regional Plan, El Dorado, Placer, and Alpine Counties.

Jeremy Sokulsky, Lahontan Regional Board staff, made the staff presentation on the Lake Tahoe Nutrient and Sediment TMDL. The unique setting and activities in the Lake Tahoe Basin were presented in the context of the seven sections of a Total Maximum Daily Load (TMDL). The technical approach and TMDL related research with the Tahoe Regional Planning Agency's Lake Tahoe Basin Regional Plan Update and the USFS Forest Plan Update for Lake Tahoe. Board members asked questions and Mr. Sokulsky responded.

Mr. Sokulsky explained the joint coordination with TRPA staff on this project and introduced Mr. Shane Romsos, Fisheries and Wildlife Coordinator, TRPA staff.

Mr. Romsos described the relationship between Lake Tahoe TMDL and the TRPA Regional Plan Update in identifying desired future water quality conditions. With funding from both agencies, this effort will culminate in the coordinated update of the Lahontan Basin Plan incorporating the Lake Tahoe TMDL and the TRPA Regional Plan Update in Fiscal Year 2006-7. The goal of this joint project is to develop and implement consistent environmental standards.

14. Truckee River Sediment TMDL Status Report, Placer, Nevada, and Sierra Counties.

Catherine Olsen, Lahontan Regional Board staff, made the staff presentation. She highlighted the proposal to use a facilitated collaborative effort of resource agencies, local governments, private citizens, watershed groups, environmental organizations, and other groups in developing this TMDL. The outcome of the efforts of these active and diverse watershed groups will be presented to the Board in 2003 in the form of a technical TMDL for the Truckee River watershed.

16. CLOSED SESSION

The Members of the Lahontan Regional Board met in closed session on March 13, 2002, at 9:15 p.m. in the Tahoe City Public Utilities District, Board room, in Tahoe City, to discuss Item No. 16 (g) and (h). The Board reconvened in open session at 9:36 p.m.

The evening Board meeting session adjourned at 9:37 p.m.

Regular Meeting, continued
8:30 a.m., March 14, 2002

Chair Jack Clarke called the morning session of the Board meeting to order at 8:30 a.m. All Board members were present.

ENFORCEMENT ACTION

17. ***Continued Public Hearing – Consideration of an Administrative Civil Liability Order (ACL) for the California Department of Transportation, District 3, for Violation of Waste Discharge Prohibitions Prescribed in the Water Quality Control Plan for the Lahontan Region, Violation of State Water Resources Control Board Order No. 99-06-DWQ, and Violation of Conditions Specified in a Waiver of Waste Discharge Requirements, for Discharge of Earthen Materials to Waters of the Truckee River Hydrologic Unit on September 19, 2001, Interstate 80 Rehabilitation Boca/Floristan Project, Nevada County – WDID No. 6A03CT3A21U.***

Chair Jack Clarke opened the Public Hearing and administered the oath.

Eric Taxer, Lahontan Regional Board, made the staff presentation. Mr. Taxer and Mr. Blum responded to questions from Board members.

Mr. John Rodrigues, Chief of Construction for Caltrans Northern California Region, Districts 1, 2 and 3, made a brief presentation to the Board on behalf of Caltrans District Director, Jody Lonergan, who was unable to attend. He responded to questions from Mr. Singer and Board members.

Mr. Scott Ferguson, Lahontan Regional Board staff, commented to the Board on the ACL regarding Caltrans and its contractors and subcontractors.

Mr. Jason Malcolm of Malcolm Drilling Company, addressed the Board and agreed that this unauthorized discharge regrettably did occur on September 19, 2001. He answered questions from Mr. Singer and Members of the Board. Mr. Blum made comments to the Board.

Chair Jack Clarke asked if any public agencies or other interested parties wished to testify. None came forward and the Public Hearing was closed.

Motion: Moved by Mr. Sandel, seconded by Dr. Nebeker, **and unanimously carried** to adopt the proposed order imposing civil liability against the California Department of Transportation, District 3..

There being no further business to come before the Board, the March 14, 2002 morning session of the meeting of the Lahontan Regional Board adjourned at 9:25 a.m.

Prepared by: _____
Susan-Marie Hagen, Executive Assistant

Adopted: April 10, 2002

